

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

MAGNESIUM MACHINE, LLC )  
                            )  
Plaintiff,               )  
                            )  
                            )  
v.                         )                  Case No. MC-19-9-PRW  
                            )  
TERVES, LLC             )  
                            )  
Defendant.              )  
                            )

**UNOPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE IN  
OPPOSITION TO OBJECTION TO AND MOTION TO QUASH TERVES' OHIO  
LITIGATION SUBPOENAS SERVED ON NONPARTIES**

Defendant Terves, LLC (“Terves”), respectfully requests that this Court extend Terves’ time to file its Response in Opposition (“Response”) to Plaintiff Magnesium Machine, LLC’s (“Plaintiff”) Objection to and Motion to Quash Terves’ Ohio Litigation Subpoenas Served on Nonparties [Doc. No. 1] (“Motion to Quash”) by twenty-one (21) days to January 14, 2020. In support whereof and as required by LCvR 7.1(h), Terves states as follows:

1. Plaintiff filed its Motion to Quash on December 3, 2019. Pursuant to LCvR 7.1(g), Terves’ Response is due on Christmas Eve, December 24, 2019.
2. Due to various end of the year obligations, the Holidays, and travel commitments with respect to same, Terves is unable to prepare a Response by the current deadline.

3. As a result, Terves believes an additional twenty-one (21) days are necessary to adequately prepare its Response.

4. Terves has made no previous request for an extension with respect to its Response.

5. Terves is authorized to state that Plaintiff does not oppose this Motion.

6. As no hearing is currently set on Plaintiff's Motion to Quash, Terves' request will have no impact on any deadlines.

WHEREFORE, premises considered, Terves respectfully requests that this Court enter an order granting Terves leave to file its Response no later than Tuesday, January 14, 2020.

/s/ Michael P. Whaley

David A. Elder, OBA # 20687

Matthew W. Brockman, OBA # 22077

Michael P. Whaley, OBA # 33640

HARTZOG CONGER CASON

201 Robert S. Kerr Avenue, Suite 1600

Oklahoma City, Oklahoma 73102

(405) 235-7000 | (405) 996-3403 (fax)

delder@hartzoglaw.com

mbrockman@hartzoglaw.com

mwhaley@hartzoglaw.com

**-and-**

David B. Cupar, Ohio # 0071622

(*pro hac vice* pending)

Matthew John Cavanagh, Ohio # 0079522

(*pro hac vice* pending)

McDonald Hopkins, LLC

600 Superior Ave., East, Ste. 2100

Cleveland, OH 44114

dcupar@mcdonaldhopkins.com

[mcavanagh@mcdonaldhopkins.com](mailto:mcavanagh@mcdonaldhopkins.com)

**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 20, 2019, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based upon the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Daniel V. Carsey – [dcarsey@hallestill.com](mailto:dcarsey@hallestill.com)  
Jacqueline M. McCormick – [jmccormick@hallestill.com](mailto:jmccormick@hallestill.com)  
Stephen H. Buzin – [buzinlaw@swbell.net](mailto:buzinlaw@swbell.net)  
Diana M. Sangalli – [dmsangalli@duanemorris.com](mailto:dmsangalli@duanemorris.com)  
Wayne Paul Frank – [wpfatty@aol.com](mailto:wpfatty@aol.com)  
Douglas J. Sorocco – [dsorocco@dunlapcodding.com](mailto:dsorocco@dunlapcodding.com)  
Jordan Sigale – [jsigale@dunlapcodding.com](mailto:jsigale@dunlapcodding.com)  
Evan W. Talley – [etalley@dunlapcodding.com](mailto:etalley@dunlapcodding.com)  
Steven J. Forbes – [sforbes@norchilaw.com](mailto:sforbes@norchilaw.com)

/s/ Michael P. Whaley  
Michael P. Whaley